

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:22-CV-00074-MR

THIS MATTER is before the Court on the return as undeliverable mail that was sent by the Clerk to Plaintiff, and on Plaintiff's payment of the filing fee. [Doc. 5; 6/14/2022 Docket Entry].

Pro se Plaintiff Roger D. Young (“Plaintiff”) filed this action on June 3, 2022, pursuant to 42 U.S.C. § 1983. [Doc. 1]. On initial review, the Court found that Plaintiff failed to state a claim for relief and allowed Plaintiff 30 days, or until July 24, 2022, to file an Amended Complaint. [Doc. 4]. The Clerk promptly mailed Plaintiff a copy of this Order and a blank § 1983 Complaint form to the address listed on the docket in this matter at Lincoln Correctional Center in Lincolnton, North Carolina. [6/24/2022 Docket Entry]. These documents were returned as undeliverable, and the envelope marked “Return to Sender Not Deliverable as Addressed Unable to Forward.” [Doc.

5 at 1]. Plaintiff has not notified the Court of a change in address and the NCDPS Offender Search Website shows that Plaintiff remains incarcerated at Lincoln Correctional Center. It appears, therefore, that the return of the mail was in error.

Because Plaintiff has not yet received the Court's initial review Order through what appears to be no fault of his own, the Court will allow Plaintiff an additional 14 days to comply therewith. The Court will direct the Clerk to resend the initial review Order and blank § 1983 Complaint form. The Court will also direct the Clerk to vacate the Notice of Deficiency that was entered before the Court received Plaintiff's filing fee.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff has until August 8, 2022 to file an Amended Complaint in this matter in accordance with the Court's initial review Order at Docket No. 4.

The Notice of Deficiency [Doc. 3] is **VACATED** in accordance with the terms of this Order.

The Clerk is respectfully instructed to resend Plaintiff a copy of Docket Nos. 2 and 4.

IT IS SO ORDERED.

Signed: July 15, 2022



Martin Reidinger
Chief United States District Judge 